

**CITY COUNCIL MINUTES**  
**March 10, 2008**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, March 10, 2008 at 6:00 p.m. with Mayor Keith Nesbitt presiding and Deputy City Clerk Anne M. Cooley recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** Kevin Hanley, J.M. Holmes, Keith Nesbitt

**Council Members Absent:** Bob Snyder, Bridget Powers

**Staff Members Present:** City Manager Robert Richardson. City Attorney Michael Colantuono, Community Development Director Will Wong, Assistant Planner Reg Murray, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Administrative Services Director Andy Heath, Airport Manager Jerry Martin, Building Official Lisa Hoffrogge, Joanna Belanger Administrative Manager, Police Chief Valerie Harris

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **MOTION: Holmes/Hanley/Approved by voice without objection**

**CONFERENCE WITH LABOR NEGOTIATIONS**

Agency Designated Representatives: David Mackowiak, Robert Richardson  
Employee Group: Local 39

**REPORT OUT OF CLOSED SESSION**

No reportable action

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Nesbitt announced that the Celebrity Chefs dinner the previous Thursday night was a huge success. He said the attendance was very good and that he

appreciated the entire Council being present to serve the community in a "different way."

## **AGENDA APPROVAL**

None

## **CONSENT CALENDAR**

Item 2 Removed from the Consent Agenda. Council Member Holmes advised that minutes for the January 14, 28 and February were omitted from the agenda packet and should be removed from the agenda.

### **1. Warrants**

By **RESOLUTION 08-26** approve Warrants 69501 through 68718 totaling \$929,157.04.

### **2. Minutes**

January 14 and 28, 2008 and February 11, 2008 tabled to future meeting.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Agenda as amended. **MOTION: Holmes/Hanley/Approved 3:0 (Absent Snyder & Powers)**

### **2. By **MOTION** approve the minutes of January 4, 2008. **MOTION: Hanley/Holmes/Approved 3:0 (Absent Snyder & Powers)****

### **3. Public Comment**

Kathy Widing, Business Representative for Operating Engineers Local 39, introduced herself to the Council. She asked that the Council consider the future of the workers in the changing workforce. She said that even in these economically difficult times, the City still has a need to maintain qualified workers. She said she, the workers and the Council want to preserve the quality of life in the community. She said she is hopeful that it can be worked out through the bargaining process. Ms. Widing said the union's job is not to tell the City how to conduct its business, but to give the workers a voice in the conditions of their labor. She asked for the Council's consideration of its workers.

Dan Sokol, 1330 Deerwood Place, questioned the \$20,000,000 cost of the Streetscape Project. He asked why City money would be spent on the streetscape and not on needed sidewalks in the Maidu area. He asked where the money is coming from. Mayor Nesbitt referred the item to staff.

## **PUBLIC HEARING**

4. **Appeal of the Planning Commission's Approval of a Variance for a 15-Foot Rear Yard Setback in lieu of 25-Foot Required in the Single Family Residential Zone-12510 Floradale Lane – File VA 08-1** .

Community Development Director Will Wong introduced the item. He said the appeal is of the Planning Commission's approval of a variance to allow a 15' rear yard setback in lieu of 25' required for an addition to the dwelling at 12510 Floradale Lane. He said consideration in the Planning Commission's decision was the fact that support was given by fifteen surrounding property owners, including the two adjacent property owners. He said the appeal was filed by Dr. Forrest at 12595 Crimson Court. Council questions followed.

Mr. Wong explained that the City had issued the building permit in error, creating a very unfortunate situation. He said staff has spent a considerable amount of time talking with the applicant, Mr. Hayes, and Dr. Forrest. He said Dr. Forrest would like the City to consider three possible conditions of approval: the window, structure color and landscape buffer. He advised the appellant and applicant did not agree on the conditions.

Mr. Wong advised that as soon as the Building Official found out that the building permit had been issued in error, she notified the applicant. The building permit was revoked approximately six weeks after its issuance. The applicant, Mr. Hayes, was given the choice of correcting the situation or applying for a variance. The appellant was also contacted and City staff tried to work out some possible conditions of approval with Dr. Forrest.

Council Member Hanley and Mayor Nesbitt's concern was the applicant's reaction to the proposed conditions.

Applicant Jeffrey Hayes, 12510 Floradale Lane, stated that an expensive fixed window had already been installed, the color of the addition will match the existing color and eventually there will be a landscape buffer. He said the conditions would create additional expenses that he cannot afford at the present time. He advised that he is not willing to comply with the proposed conditions.

Council Member Hanley said that it appeared that the three additional conditions requested by the appellant would cause the property owner to spend additional money, delay in getting the house painted, and it would be difficult to put in the trees and shrubs based on the soil condition and

expense. He said that he is not willing to impose expensive requirements on the homeowner.

Council Member Holmes stated that the City bears some responsibility for having issued a building permit in error. He said he would like to approve the appeal.

By **RESOLUTION** deny the appeal, thereby affirming the Planning Commission's approval of Variance 08-1. **MOTION: Hanley/Holmes/ Vote 2:1 (No Holmes, Absent Powers, Snyder) Motion Failed**

City Attorney Colantuono stated that it takes three votes to adopt a resolution. He added, "You can grant the substance of the action by rephrasing your motion, simply to adopt the finding stated in the resolution and deny the appeal, stripping the form of the resolution from your action will allow it to proceed, taken with two votes."

By **MOTION** adopt the findings in the resolution and deny the appeal. **MOTION: Hanley/Holmes/Approved 2:1 (No Holmes, Absent Powers, Snyder)**

City Attorney Colantuono stated, "The findings are approved, the appeal is denied, and the variance is granted."

## **REPORTS**

### **5. Informational Reports**

#### **A. Library Advisory Board**

Michael Otten, Placer County Library Advisory Board Appointee, stated that the City's other appointee, Dr. Robert Schnetzler, was the Chair of the Board during the Auburn Library's 35<sup>th</sup> anniversary and continues to play an important role in the Placer County libraries. He advised Council that Dorothy Sanborn, retired Auburn librarian and President of the Friends of the Auburn Library, remains active and supportive of the library.

Mr. Otten provided a written report to Council. He stated that he would answer any questions that Council may have for him. Council questions followed regarding number of "check outs," internet usage, and library policies.

#### **B. Telecommunications Commission**

Chair Glenn Tonkin stated that the Commission had reviewed the franchise payments from Wave Broadband. He said payments

have been made on time. Mr. Tonkin advised that there is a slight increase in subscribers over last year. He said there are 399 subscribers not included in the count that were part of the drop when Wave Broadband took over the system from Starstream. He asked that the City take a closer look at that area because it represents close to \$5,000 in PEG revenues that is unaccounted for at this time, which is useful for ACTV and public access. He said the Commission has also worked out some of the calculations between ACTV and the City PEG. He advised that the reports have been given to City staff. He said the public seems pleased with Wave and the company has many more packages and offers available.

He said in new development cable lines have to move from “pole to ground.” Developers, with whom the Commission met, pay the costs. The Commission explained all the details to the developers and met with the Community Development Director Wong.

Mr. Tonkin explained in 2009 television will be going all digital. He provided an application for the TV converter box program. It provides a coupon, available to everyone, to purchase a converter box. He explained who will need the conversion boxes. Mr. Tonkin stated that the Commission would like to meet with City staff to see if it can get a link to the City website to provide information to the community.

Council questions followed regarding the number of subscribers, a wireless ordinance, and cable TV competition.

C. Police Chief Valerie Harris

Postponed until a future meeting.

## 6. **City Council Committee Reports**

Council Member Holmes reported that the Placer County Air Pollution Control Board will recommend that the Sacramento Area Ozone Non-Attainment Area be listed as severe rather than serious, which will allow more time to meet requirements established by the EPA. He said a woodstove incentive program was passed to encourage people to swap aging woodstoves for an EPA-certified woodstove. He said there is a program in Placer County that encourages people to swap their gas-powered lawnmowers to electric lawnmowers.

Council Member Holmes also advised that the Youth Advisory Commission is looking at working for the Auburn Healthy Waters Program

in the Spring. He said there will also be an art show for youth art at City Hall during an upcoming Artwalk. He advised that graffiti removal will also be considered at the next meeting.

Mayor Nesbitt reported on the PCTPA, acting as the Airport Land Use Commission, agreed to allow him to consult with the Boys & Girls Club to analyze the conflicts of the airport flight zone with the Club's proposed location at Regional Park. He said PCTPA is working on its annual budget.

## **COUNCIL BUSINESS**

### **7. Annual SACOG Blueprint Project Comparison (2008 Report)**

Assistant Planner Reg Murray introduced the item. He said it entails how projects in Auburn can work toward the SACOG Blueprint. He advised that some of the principles are more difficult for the City of Auburn given the scope and scale of the projects. He said some of the current projects reflect certain components of the Blueprint. He highlighted the annexation project in south Auburn and the Baltimore Ravine Specific Plan as having features of the Blueprint.

Mayor Nesbitt asked if walking and bicycling are a main consideration in the projects. Mr. Murray said they are working on the projects to see where it is feasible to provide walking areas. Mayor Nesbitt said that it is his hope that the City is still pressing the issue.

### **8. General Plan Implementation Work Plan (2007 Report)**

Assistant Planner Reg Murray introduced the item. He stated the report is sent to Housing and Community Development (HCD) and the Office of Planning and Development (OPR) in Sacramento relative to where the City stands with the General Plan and the implementation of it. He said the Implementation Work Program includes continuous activities that occur on a day-to-day basis in the course of everyday work. He said most things are relatively status quo, but there are some things with respect to the housing element that are in progress. He advised that there will be a couple of ordinance amendments that will be going to the Planning Commission and Council later this month. He said the wireless ordinance will also be coming forth in the near future. Council questions followed.

Council Member Holmes asked if there had been any response from the Department of Housing and Community Development or the Governor's Office of Planning and Research on the last report. Mr. Murray advised that there was no comment received from either agency.

Council Member Holmes questioned the dates back to 1994 on the Implementation Work Program. Mr. Wong agreed with Mr. Holmes that the plan needs to be updated. Mr. Wong said it comes down to funding and priorities. Mr. Holmes referred specifically to the Hillside Ordinance. Mr. Wong responded that a previous Council had not considered it a priority. Mr. Wong said that he has reports that go back ten years and could provide the Council with more background information. He said his current estimate for a General Plan Update would be close to a quarter of a million dollars. He said he has provided different ways to fund a General Plan element to a previous Council, and could provide the information again to the current Council.

Council Member Hanley asked about the Hillside Ordinance and stated that there are about eighteen tasks to be done. He asked if any of them would be done in 2008. Mr. Wong answered that, with the current work load, the tasks would not be done, other than updating the housing element. He confirmed that a consultant would have to be utilized. He said planning staff is currently working on certain ordinances and ordinance amendments for the Housing Element.

Council Member Hanley confirmed with Mr. Wong that the consultants hired to help the City implement the housing element were assisting in various aspects of the plan. Council Member Hanley asked when the Council may expect to consider all the suggestions put in the 2004 Housing Element prior to approving the 2008 Housing Element. Mr. Murray answered that certain ones are already planned to go before the Council in the next couple of months. He said when the next Housing Element is taken to Council, a part of that will be to review the 2003 element to see what items should be carried forward.

Mayor Nesbitt stated that the current Council may have a different opinion regarding the Hillside Ordinance than did a previous Council. He said that he would like to see a Hillside Ordinance developed as soon as possible. He requested that it be placed on the next possible agenda.

By **MOTION** adopt the 2007 Annual General Plan Implementation Work Plan and direct Staff to submit the plan to the State Office of Planning and Development and the State Department of Housing and Community Development. **MOTION: Hanley/Holmes/Approved 3:0 (Absent Powers & Snyder)**

9. **Annual Housing Element Progress Report (2007)**

Assistant Planner Reg Murray introduced the item. He stated that it is somewhat a repeat of the previous item, but a report is required to be sent to HDC and OPR on an annual basis. He advised the Council of how

many single-family units were developed and their categories. He said Community Development Department is currently in the process of updating the Element. He said a draft can be expected in about a month. Council questions followed.

By **MOTION** adopt the 2007 Annual Housing Element Progress Report and direct Staff to submit the report to the State Office of Planning and Development and State Department of Housing and Community Development. **MOTION: Hanley/Holmes/Approved 3:0**

10. **Planning Commission Consensus Memo Regarding Priority Planning Issues (2008)**

Assistant Planner Reg Murray stated that the Council had requested that the Planning Commission, and possibly the Council, review priority planning issues. He stated that last year the Planning Commission's first priority was an update of the sign ordinance, although there were many additional items. This year the Planning Commission selected five items: the update of the sign ordinance, update of parking standards, update of zoning ordinance, pavement management and a trails master plan. He said that the Commission has provided a memo to the Council that summarizes its position and the Commission awaits Council direction. Council questions followed.

The discussed with Community Development Director Wong a surcharge for building permits, general plan update via an element at a time, municipal code revisions, updating the zoning ordinance and a hillside ordinance.

Mayor Nesbitt asked that a Hillside Ordinance be made a top priority. Council Member Holmes stated that he would second such a motion. A formal motion was not made. Staff was directed by Council to bring back to Council in two weeks a plan of action on a Hillside Ordinance.

Council Member Hanley stated that he is aware that major projects are underway, such as Baltimore Ravine and the Housing Element Update. He advised that, prior to a debate on a Hillside Ordinance, he would like to know what applicable lands are available. He said that the main area was the Auburn Bluffs. He said he is asking for how many developable lots would come under a theoretical Hillside Ordinance. He said Council time may be better spent than on an ordinance that the City needed last year.

Council Member Hanley stated that, although the Planning Commission includes paving in its priority list, it is really a City Council duty and would like his belief conveyed to the Commission. Mayor Nesbitt responded that the Commission is not really looking at the pavement management



system. Mayor Nesbitt advised that during construction projects, when the pavement is impacted negatively from the development, a system should be utilized to recover some of the maintenance costs. Mr. Murray confirmed that this was the Planning Commission's concern.

Mayor Nesbitt asked about a previous request from the Planning Commission to have a joint meeting with the Council. Mr. Murray confirmed that the Planning Commission had made that request. Mayor Nesbitt suggested that it may be a productive meeting sometime in the future.

11. **Public Notification – CalPERS Two-Year Service Credit Future Annual Costs**

Administrative Services Director Andy Heath introduced the item. He stated that the purpose of the item was "to make public for a two-week period, consistent with Government Coded 7507, the estimated costs of providing benefits under the CalPERS two-year service credit. He said that currently the City has three contracts with CalPERS: Local 39, Police and Fire Units. He said the program provides two years of service credit to parties eligible to retire that have five years of present service with CalPERS and are employees in a designated job classification determined for reduction. He said the program is being recommended to mitigate the impact of impending lay-offs necessary to address the citywide budget shortfalls. He said the participation period will be 90 days after adoption of the resolution to participate, and will be brought back to the Council in two weeks. He said the cost is estimated to be \$276,477.14 which "includes eight eligible positions and assumes that all of them participate in the program. He explained how the cost was determined. He said the program is "expected to save the City approximately \$640,000 on an annual basis, \$540,000 in the City's General Fund and roughly \$100,000 in the City's Airport Fund.

Council Member Holmes asked for clarification of the resolution. He said it was his understanding that resolution provided notification that the plan is available. Mr. Heath concurred that it was notification to the public of the costs of the plan.

Richard C. Anderson, 25068 Oro Valley Road, Auburn, stated that he is the President and General Manager and major shareholder in the Gyro House Corporation which conducts business as TGH Aviation at the Airport. TGH has three buildings located at the airport that are on land leased from the City of Auburn. He said that last summer he and his partner, Emery Oxley, made a considerable investment at the airport. He said they renovated a facility, opened an airport store and a pilot lounge. He said that in doing so four employment positions were created that were

filled by Auburn residents. He stated that in 2007 another facility was expanded which created another seven employment positions. He said that his business plan for 2008 calls for further growth which will create five more employment opportunities for Auburn residents.

Mr. Anderson said that throughout the process, they have worked closely with the Airport Manager. He said the manager provided guidance, made certain they were aware of the City's rules and regulations, and helped to ease all phases of interface with various City departments. He said the Airport Manager has helped him to avoid unnecessary costs and delays. He said that Airport Manager held a meeting that initiated dialogue between all of the aviation companies on the airport, which created an effort to cooperate to promote the airport as a whole. He said that without an Airport Manager there would definitely be a loss to the community.

Mr. Anderson said he sees potential for more growth at the airport, providing additional employment opportunities and increase to the City's tax base. Mr. Anderson said that as President of the largest aviation business in Auburn, he stands firm in his belief the best way to capitalize on the airport's growth potential is to have a designated airport manager that is easily accessible.

Jerry Martin, 948 Herr Way, Auburn, Airport Manager, commented on the late notice he was given regarding his layoff after publication of the agenda. He said the airport requires asset management expertise. He said business owners have invested hundreds and thousands of dollars in the airport and expect it to be managed professionally. He said he would like to state publically what he was told privately that the position of Airport Manager is being eliminated. He said he was not consulted as to the advisability or the feasibility of the elimination of an Airport Manager. He requested a breakdown of \$640,000 in savings to the General Fund and questioned how the Airport Fund is going to save \$100,000. He said the Airport Fund is in the "black." He said it is his understanding that the Airport Fund will compensate the General Fund for staff that will be assigned the duties of the Airport Manager.

City Manager Richardson stated that under the proposal that will be forthcoming, the Airport Fund will not be saving additional funding. He explained that internal personnel will be utilized and charging-back the fund for those services.

John Nielson stated that he is a hangar renter and airport tenant and professional pilot who has been flying in to the Auburn Airport since 1980. He said that many pilots fly into the Auburn Airport as a "destination spot." He said it is a very busy and well-managed, well-maintained airport. He said that Mr. Martin has always been very responsive. He said he is

pleased with the field and very loyal to it. He asked that the Council reconsider keeping an Airport Manager onsite. He said there are issues that arise on a daily basis that need to be addressed.

Elisabeth Davis said that she is a City Accounting Technician and has been solely responsible for the payroll for 18 years. She said that she, along with others, has been told that they are to be laid-off as of the end of the month. She stated that she wanted to make certain that the Council was aware that there was no choice in the situation and that retirement was not really voluntary. She said that although the 2-year service credit is a plus, she will lose two years of wages and health insurance. She attributed the decrease in the general fund balance to larger salaries and pay increases. She said that since the City is self-insured it will pay 100% of unemployment costs. She said that she just wanted the Council to know what was occurring and that she would have preferred to retire in two years.

Richard Sanborn, Auburn resident, stated that the Council should be careful about diverting funds from the airport. He advised that last time money was taken from the airport by the City, it was embarrassing when it was found out that the City was using Airport Funds for other things. He also questioned whether or not the job of Airport Manager will get done if his duties are given to other staff members. He said the previous City Manager was hired as City Manager and Airport Manager. He advised that after Mr. Martin was hired, the City Manager's salary was never reduced and continues to increase. He said the airport is important to this area and he is concerned that the airport will become overcrowded, making aviation less safe.

Council Member Hanley stated that over the years the Councils have looked closely at economic development. He said they knew that the City, as structured, was not generating enough income to pay all the employees an amount that the Council wanted to pay them. He advised that it has been a constant effort with the expansion of redevelopment area to try to lure new retailers into the City and provide new sales tax to support the employees and provide them raises. He said now we are in a major downturn in the economy. He said the Council has the difficult task of looking at "functions" that the City provides and prioritize them. He said that public safety is the major priority and there are some functions that cannot be provided in the current climate. He advised that he was supportive of the 2-year service credit incentive that will be provided to eligible employees. He said the City must keep its services at the current level at the airport and throughout the City with a reorganization and cost-saving plan. He said he has not taken the decision lightly and knows there are human lives involved, but some action must be taken.

Mayor Nesbitt concurred with Council Member Hanley and said this was a very difficult decision. He apologized that the Council “is in this position, but we are.” He supported the 2-year service credit.

Council Member Holmes reiterated that this was not an easy decision for anyone to make. He said with the reality of the economic situation, responsibility had to be taken on behalf of the community.

By **RESOLUTION 08-28** in accordance with Government Code Section 7507, make public for two weeks prior to the adoption of a resolution establishing a designated period for two years additional service credit, the costs of providing benefits under the California Public Retirement System’s (CalPERS) Two-Year Service Credit, estimated to be \$276,477.14. **MOTION: Holmes/Hanley/Approved 3:0 (Absent Snyder, Powers)**

## **ADJOURNMENT**

Mayor Nesbitt, without objection, adjourned the meeting at 8:13 p.m.

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Keith Nesbitt, Mayor

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Anne M. Cooley, Deputy City Clerk